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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**CR 09-101-BR**

**v.**

**CURTIS DEWAYNE SMITH,**

**Defendant.**

**ORDER FOR EXAMINATION OF  
DEFENDANT TO DETERMINE  
EXISTENCE OF INSANITY, AND  
COMMITMENT ORDER**

This matter came before the court on August 7, 2009, on motion of the government for psychiatric or psychological examination of defendant to determine existence of insanity, pursuant to Rule 12.2(1)(c)(B) of the Federal Rules of Criminal Procedure and 18 U.S.C. §§ 4241(a) and 4247(b) and (c). Defendant appeared in person, in the custody of the U.S. Marshal, and with his attorney, Gerald M. Needham. The United States appeared by Assistant United States Attorney Stephen F. Peifer.

The court FINDS that defendant has filed notice to the government under Rule 12.2(a) of his intent to rely on the defense of insanity at the time of the charged offense. Under Rule


12.2(1)(c)(B), the court must, upon the government's motion, order defendant to be examined as provided in 18 U.S.C. § 4242.

IT IS THEREFORE ORDERED that, pursuant to 18 U.S.C. §§ 4242 and 4247(b), defendant is hereby committed for a reasonable period, but not to exceed 45 days, to the custody of the Attorney General for placement in a suitable facility and that defendant be examined as provided in § 4242, with a psychological or psychiatric report prepared by the examiner and filed with the court as required by § 4247(c) *no later than October 2, 2009*.

Any delay caused by the above examinations will be excludeable under the Speedy Trial Act, 18 U.S.C. § 3161(a).

IT IS FURTHER ORDERED that the U.S. Marshals shall transport defendant to a facility designated by the Bureau of Prisons for the dual purposes of conducting the required examinations.

IT IS SO ORDERED this 7<sup>th</sup> day of August, 2009.

  
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The Honorable Anna J. Brown  
United States District Judge

Presented by:

s/ Stephen F. Peifer  
STEPHEN F. PEIFER, OSB #742520  
Assistant United States Attorney